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EXAMINER

SWERDLOW, DANIEL

ART UNIT

PAPER NUMBER

2644

DATE MAILED: 09/08/2003

15

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/331,499

Applicant(s)

ALMS ET AL.

Examiner

Daniel Swerdlow

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 11-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11 and 13-18 is/are rejected.
- 7) ☒ Claim(s) 12, 15 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***U.S. National Stage Application***

1. Acknowledgment is made of the indication that the present application is filed under 35 U.S.C. 371, of the indication that the required Form PCT/DO/EO/903 is present and of the use of transmittal form PCT/DO/EO/1390. Thus, the present application is being treated as a filing under 35 U.S.C. 371.

2. A prior Office action mailed on 11 September 2003, paper no. 10, indicated incorrectly that a certified copy of the priority document had been received. A copy of the certified copy has been received in this National Stage application from the International Bureau.

### ***Claim Objections***

3. Claims 12, 15 and 18 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

4. Claim 12 includes the limitation "wherein respective groups of users are simultaneously connected" while Claim 11, from which Claim 12 depends, includes the limitation "connecting a single one of the users" and subsequently "repeating the method for additional users". As such, Claim 12 removes the limitation of connecting users one at a time and is, therefore, not further limiting.

5. Claim 15 adds only the limitation "limiting the feed current of the user to the standard value after the waiting time" while Claim 11, from which Claim 15 depends, includes the

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limitation “after a waiting time ... limiting the feed current to a standard value”. Therefore Claim 15 is not further limiting.

6. Claim 18 includes the limitation  $I_{\text{rmax}} = m \times I_{\text{max}} + (n-m)I_{\text{standa}}$  while Claim 17, from which Claim 18 depends, includes the limitation  $I_{\text{rmax}} = I_{\text{max}} + (n-1)I_{\text{standa}}$ . As such, in Claim 17  $m=1$ , while in Claim 18  $m$  can be any positive integer less than  $n$ . Therefore, Claim 18 is not further limiting.

### ***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 includes the limitation “and after a waiting time given an error free user-line time limiting the feed current to a standard value”. The meaning of this limitation is unclear since it is unclear what a “user-line time” or “time limiting the feed current” should mean. For the purpose of this Office action, examiner assumes the limitation reads “and, after a waiting time given an error free user-line, limiting the feed current to a standard value”.

### ***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 11 and 14 through 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Kumon et al. (US Patent 4,890,212).

11. Regarding Claim 11, Kumon discloses providing power (i.e., **feed**) to each of a plurality of devices (i.e., **a number of simultaneous users**) (Fig. 4, reference 4, 5, 6, 7, 8) from a power (i.e., **energy**) source (Fig. 4, reference 10; column 1, lines 32-53) by starting a heater or eraser lamp (i.e., **connecting a single one of the users to the energy source**) (Fig. 4, reference 6, 7; Fig. 5, step S1'; column 3, lines 61, 62; column 4, lines 25-25), supplying a start-up (i.e., **connection phase**) current of a peak value or less (i.e., **limited to a maximum value**) (column 3, line 63 through column 4, line 3), **measuring the start-up current** (column 3, lines 63-66), **after** a predetermined time period (i.e., **a waiting time**) during which start-up currents are lower than the peak value by a predetermined value (i.e., **given an error free user-line**) generating a stable state signal (i.e., **limiting the feed current to a standard value**) (column 3, lines 49-59) and similarly connecting subsequent devices (i.e., **successively repeating the method for additional users**).

12. Regarding Claim 14, Kumon discloses using available power source capacity for other devices after the start-up period of the first device (i.e., **allocating the maximum value of feed current after the expiration of the waiting time, wherein a current reserve is available**) (Fig. 5; column 3, line 66 through column 4, line 14).

13. Claim 15, as stated above under *Claim Objections*, does not further limit Claim 11. As such, Claim 15 is rejected for the reasons stated above apropos of Claim 11.

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14. Regarding Claim 16, Kumon discloses repeatedly measuring the current of a device if the current does not reduce below peak value (i.e., **periodically checking a faulty network termination unit of a user with the maximum value of the feed current**) (Fig. 5, steps S2', S3'; column 3, line 63 through column 4, line 3).

15. Regarding Claim 17, Kumon discloses a peak current (i.e.,  $I_{rmax}$ ) (Fig. 3, reference  $I_p$ ; column 3, lines 12-43) being **equal to the sum** of the currents for a device being started (i.e.,  $I_{max}$ ) and devices already operating (i.e.,  $(n-1)I_{standa}$ ).

16. Claim 18, as stated above under *Claim Objections*, is broader than Claim 17. As such, Claim 18 is rejected for the reasons stated above apropos of Claim 17.

### ***Claim Rejections - 35 USC § 103***

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kumon in view of Mooers et al. (US Patent 1,361,396). As shown above apropos of Claim 11, Kumon discloses all elements of Claim 13 except disconnecting a user that continues to use the maximum value of the feed current after the expiration of the waiting time. Mooers discloses a time-limit fuse that **disconnects** a device (i.e. **user**) that exceeds a rated current (i.e., **continues to use the maximum value of feed current**) beyond a time period (i.e., **after expiration of the waiting time**) (column 1, lines 2-20). It would have been obvious to one skilled in the art at the time of

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the invention to apply the time-limit fuse taught by Mooers to the power feed taught by Kumon for the purpose of allowing a device to draw start-up current only during a start-up period.

***Response to Arguments***

19. Applicant's arguments with respect to Claims 11 through 18 have been considered but are moot in view of the new ground(s) of rejection.

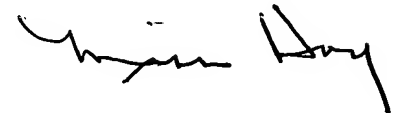
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Swerdlow whose telephone number is 703-305-4088. The examiner can normally be reached on Monday through Friday between 8:00 AM and 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forrester Isen can be reached on 703-305-4386. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

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**MINSUN OH HARVEY  
PRIMARY EXAMINER**